

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 40-034.6

Specific Purpose:

This section is adopted to state that the Drug Felon Eligibility in California Work Opportunity and Responsibility to Kids (CalWORKs) Drug Felon Provisions of Assembly Bill (AB) 1542 (Chapter 270, Statutes of 1997) are repealed, effective April 1, 2015.

Factual Basis:

Section 40-034 explains the implementation of the regulatory provisions that excluded drug felons from eligibility for CalWORKs, per Welfare and Institutions (W&I) Code section 11251.3 as amended by AB 1542 (Chapter 270, Statutes of 1997). This amendment is necessary in order to clarify that the drug felon provisions of AB 1542 were repealed by AB 1468 (Chapter 26, Statutes of 2014), effective April 1, 2015.

Section 44-211.534(b)

Specific Purpose:

This section is amended to remove drug felons as an example of people who are excluded by law from the CalWORKs assistance unit.

Factual Basis:

This amendment is necessary because due to the provisions of AB 1468 (Chapter 26, Statutes of 2014), people with a prior drug felony conviction are no longer excluded by law from being eligible for CalWORKs.

Current Section 44-303.33

Specific Purpose:

This section is repealed because it refers to CalWORKs cases in which a member of the assistance unit becomes ineligible for aid due to a drug felony conviction.

Factual Basis:

This amendment is necessary because due to the provisions of AB 1468 (Chapter 26, Statutes of 2014), people with a prior drug felony conviction are no longer ineligible for CalWORKs.

New Section 44-303.33 (renumbered from 44-303.34)

Specific Purpose:

This section is renumbered from 44-303.34 in order to maintain consistent numbering within the Manual of Policies and Procedures after the repeal of the previous Section 44-303.33. A reference to Section 44-307.12 is also changed to 44-307.1 because Section 44-307.11 is repealed and 44-307.12 has been renumbered to 44-307.1.

Factual Basis:

This amendment is necessary to renumber for clarity and consistency and to correct a reference that has been changed.

Section 44-307.1 et seq.

Specific Purpose:

This section has been amended and renumbered. Section 44-307.11 has been repealed because it refers to counties issuing voucher/vendor payments when a member of an assistance unit becomes ineligible for aid due to a drug felony conviction. Section 44-307.12 has been renumbered to 44-307.1 because there is no need for subsections to list the scenarios in which counties are required to issue vouchers or vendor payments since there is now only one instance in which this is required.

Factual Basis:

This amendment is necessary because due to the provisions of AB 1468 (Chapter 26, Statutes of 2014), people with a prior drug felony conviction are no longer ineligible for CalWORKs, so there would be no instance in which counties would issue voucher/vendor payments based on a drug felony conviction. This amendment is also necessary to renumber for clarity and consistency.

Section 44-307.51

Specific Purpose:

This section is amended to change a reference to Sections 44-307.11 or .12 to 44-307.1 because section 44-307.11 was repealed and 44-307.12 was renumbered to 44-307.1.

Factual Basis:

This amendment is necessary to correct a reference that has been changed.

Section 44-316.321(a)

Specific Purpose:

This section is repealed to remove a drug felony conviction as a mandatory mid-period report.

Factual Basis:

This amendment is necessary because leaving the mandatory mid-period report of a drug felony conviction in the regulations would be inconsistent with the purpose of AB 1468, which allows drug felons to be eligible for CalWORKs. The reason this was a mandatory report was so that counties could terminate aid, since drug felons were not eligible for CalWORKs prior to the passage of AB 1468. Because drug felons are no longer precluded from CalWORKs eligibility pursuant to AB 1468, the purpose for the mandatory mid-period report no longer exists and no longer serves any purpose for CalWORKs eligibility.

Section 44-316.322

Specific Purpose:

This section is amended to remove the reference to the repealed Section 44-316.321(a), because a report of a drug felony conviction is no longer a mandatory mid-period report and will no longer result in the termination of aid.

Factual Basis:

This amendment is necessary in order to maintain consistency in the regulations and the purpose of AB 1468, which allows people with a prior drug felony conviction to be eligible for CalWORKs. Section 44-316.321(a) is repealed because a drug felony conviction is no longer a mandatory mid-period report and will no longer result in the termination of aid; therefore, the reference to this section must be removed.

Section 82-832.1(j)

Specific Purpose:

This section is amended to repeal the provision listing people with a prior drug felony conviction as excluded from CalWORKs by law.

Factual Basis:

This amendment is necessary because due to the provisions of AB 1468 (Chapter 26, Statutes of 2014), people with a prior drug felony conviction are no longer excluded by law from being eligible for CalWORKs.

b) Identification of Documents Upon Which Department Is Relying

AB 1468, Chapter 26, Statutes of 2014, section 47

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the GC because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

d) Statement of Alternatives Considered

AB 1468 (Chapter 26, Statutes of 2014) mandates that CDSS adopt regulations implementing the drug felon eligibility provisions of this bill by January 1, 2016. Prior to promulgating these regulations, CDSS implemented this policy change by ACL No. 14-100.

The CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that allowing people with a prior drug felony conviction to be eligible for CalWORKs will, if anything, have a slight positive economic impact, by helping people with a prior drug felony conviction successfully transition back into society, become self-sufficient and avoid recidivism.

f) Economic Impact Assessment

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The Creation or Elimination of Jobs Within the State of California

These proposed regulations aim to conform with AB 1468 (Chapter 26, Statutes of 2014) and to remove the restrictions on CalWORKs eligibility for people with a prior drug felony conviction. Specifically, the proposed regulations do the following: remove all references to people with a prior drug felony conviction as excluded from eligibility for CalWORKs and remove the requirement for recipients of aid to report the occurrence of a drug felony conviction mid-period. Therefore, the Department has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California

These proposed regulations aim to conform with AB 1468 (Chapter 26, Statutes of 2014) and to remove the restrictions on CalWORKs eligibility for people with a prior drug felony conviction. Specifically, the proposed regulations do the following: remove all references to people with a prior drug felony conviction as excluded from eligibility for CalWORKs and remove the requirement for recipients of aid to report the occurrence of a drug felony conviction mid-period. Therefore, the Department has determined that this regulatory proposal will not have an impact on the creation or elimination of existing businesses within the State of California.

The Expansion of Businesses Currently Doing Business Within the State of California

These proposed regulations aim to conform with AB 1468 (Chapter 26, Statutes of 2014) and to remove the restrictions on CalWORKs eligibility for people with a prior drug felony conviction. Specifically, the proposed regulations do the following: remove all references to people with a prior drug felony conviction as excluded from eligibility for CalWORKs and remove the requirement for recipients of aid to report the occurrence of a drug felony conviction mid-period. Therefore, the Department has determined that this regulatory proposal will not have an impact on the expansion of businesses currently doing business within the State of California.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety and the State's Environment

The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: by removing the ban on people with a prior drug felony conviction from CalWORKs eligibility, and thereby increasing the benefit amounts and standard of living for their families, this regulatory action may help

people with a prior drug felony conviction successfully transition back into society, become self-sufficient and avoid recidivism.

The following documents were relied upon in proposing the regulatory action:

AB 1468 (Chapter 26, Statutes of 2014), Section 47

g) Benefits Anticipated from Regulatory Action

The intent of removing the lifetime ban on people with a prior drug felony conviction from CalWORKs is to lessen the challenges people with criminal records face when they are released from jail or prison in order to help them successfully transition back into society, become self-sufficient and not return to illegal activities. This policy change helps ensure that people who have completed their sentence can successfully assume the responsibilities of independent, law-abiding citizens – and this includes ensuring individuals receive the support necessary to attain basic necessities, including food assistance and cash aid.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.

j) 15-Day Renotice Statement

The CDSS did not renote these regulations because no changes requiring renote were made to the regulations following the public hearing.